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09/597,196	06/20/2000	John Zimmerman	US000127	6011

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

SHINGLES, KRISTIE D

ART UNIT PAPER NUMBER

2141

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/597,196

Applicant(s)

ZIMMERMAN, JOHN

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5, 7, 9, 10 and 12-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5, 7, 9, 10 and 12-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

#### ***Response to Amendment***

*Claims 1-4, 6, 8 and 11 are canceled.*

*Claims 5, 7, 9, 10 and 12-25 are pending.*

#### ***Response to Arguments***

1. In view of the Appeal Brief filed on 3/6/2006, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is a non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendment, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

#### ***Claim Objections***

2. **Per claim 7**, the objection to the claim language is withdrawn.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 7, 9, 10, 12-22, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Lee et al* (US 6,775,368) in view of *Dancs et al* (US 6,385,651) and *Buckey et al* (US 6,446,076).

a. **Per claim 14**, *Lee et al* teach the method of controlling an appliance, comprising:

- transmitting a first request to the relay server (col.5 lines 44-48—user transmits request to telephony server),
- receiving an address of a profile server from the relay server, based on the first request (col.5 lines 48-51—telephony server correlated the user's telephone number to a particular subscriber profile server),
- transmitting a second request to the profile server (col.5 lines 52-54—user's telephone number and request are transmitted to the profile server),
- receiving a profile from the profile server, based on the second request (col.5 lines 54-65—user's profile data is accessed and used from the profile server).

Yet *Lee et al* fail to explicitly teach receiving an address of a relay server from a remote device. However, *Dancs et al* teach receiving an address of a relay server from a smart-card (col.5 line 34-col.6 line 50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Lee et al* with *Dancs et al* for the purpose of allowing the smart-card to contain information indicating and addressing a relay server, because this would provide a way to efficiently and automatically streamline the use, authentication and access of the smart-card to a particular/desired location or service provider.

Although *Lee et al* teach the use of profile data wherein custom service instructions are retrieved from the profile server (Abstract), *Buckey et al* explicitly disclose a merchant receiving a profile from the profile database, based on the request for the user (col.30

lines 15-50, col.31 lines 1-48, col.33 line 19-col.34 line 35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Lee et al* and *Dancs et al* with *Buckey et al* for the purpose of accessing user or device profile/configuration data from a server in order to securely provide the appropriate requested data to the client appliance according to information and preferences in its profile.

b. **Claims 5, 9 and 16** contain limitations that are substantially similar to claim 14 and are therefore rejected under the same basis.

c. **Regarding claim 7**, *Lee et al* and *Dancs et al* with *Buckey et al* teach the method of claim 9 as applied above, *Dancs et al* further teach the method wherein each of the first remote device and the second remote device correspond to a portable device (Figure 1, Abstract, col.3 line 67-col.4 line 3; *Buckey et al*: col.33 lines 45-49).

d. **Regarding claim 10**, *Lee et al* and *Dancs et al* with *Buckey et al* teach the method of claim 9 as applied above, *Dancs et al* further teach the method wherein each of the first and second remote device corresponds to a radio frequency identification device (Figure 1, Abstract, col.3 line 67-col.4 line 3; *Buckey et al*: col.33 lines 45-49).

e. **Regarding claim 12**, *Lee et al* and *Dancs et al* with *Buckey et al* teach the method of claim 10 as applied above, *Dancs et al* further teach the method wherein delivering the first and second access data includes co-locating the radio frequency identification device with the appliance (Figure 1, col.4 line 12, col.7 lines 15-33; *Buckey et al*: col.33 lines 45-49).

f. **Regarding claim 13**, *Lee et al* and *Dancs et al* with *Buckey et al* teach the method of claim 9 as applied above, *Lee et al* further teach the method wherein receiving at least the portion of the first configuration data includes receiving a portion of the profile data

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including data relating to the appliance and data relating to another type of appliance (col.5 lines 15-40).

g. **Regarding claim 15**, *Lee et al* and *Dancs et al* with *Buckey et al* teach the method of claim 9 as applied above, *Dancs et al* further teaches the method wherein the remote device is a radio-frequency device that transmits the address associated with the relay server (col.5 line 34-col.6 line 50).

h. **Regarding claim 17**, *Lee et al* and *Dancs et al* with *Buckey et al* teach the method of claim 14 as applied above, *Dancs et al* further teaches the method wherein the device identifier includes a Uniform Resource Locator (URL) associated with the relay server (col.6 lines 58-62, col.7 lines 44-48, col.14 lines 49-59).

i. **Claims 19, 24 and 25** are substantially similar to claim 17 and are therefore rejected under the same basis.

j. **Regarding claim 18**, *Lee et al* and *Dancs et al* with *Buckey et al* teach the appliance of claim 5 as applied above, *Dancs et al* further teaches the appliance wherein the communications device is a wireless device that is remote from the appliance (Figure 1, col.4 line 12, col.7 lines 15-33; *Buckey et al*: col.33 lines 45-49).

k. **Regarding claim 20**, *Lee et al* and *Dancs et al* with *Buckey et al* teach the appliance of claim 5 as applied above, *Dancs et al* further teaches the appliance wherein the controller is configured to determine an address of the relay server based on the device identifier (Abstract, col.5 line 34-col.6 line 50, col.7 lines 52-67).

l. **Regarding claim 21**, *Lee et al* and *Dancs et al* with *Buckey et al* teach the appliance of claim 9 as applied above, *Buckey et al* further teaches the appliance wherein

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reconfiguring the appliance includes creating a composite of the first profile data and the second profile data (col.31 lines 1-48)

m. **Regarding claim 22**, *Lee et al* and *Dancs et al* with *Buckey et al* teach the method of claim 12 as applied above, *Dancs et al* further teaches reconfiguring the appliance to the first configuration after removal of the second remote device from a vicinity of the appliance (Figure 9, col.7 lines 10-14).

5. **Claim 23** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Lee et al* (US 6,775,368), *Dancs et al* (US 6,385,651), and *Buckey et al* (US 6,446,076) in further view of *Hanko et al* (USPN 6,912,578).

**Regarding claim 23**, *Lee et al*, *Dancs et al* and *Buckey et al* teach the method of claim 22, yet fail to teach the method further including measuring a time duration after the removal of the second remote device, and wherein reconfiguring the appliance to the first configuration occurs when t the time duration exceeds a predefined persistence period. However, *Hanko et al* teach reconfiguring the appliance to the first configuration when t the time duration exceeds a predefined persistence period after the removal of the smart-card (col.3 lines 40-53, col.5 lines 18-30, col.9 lines 38-57, col.11 lines 10-41, col.13 lines 38-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Lee et al*, *Dancs et al* and *Buckey et al* with *Hanko et al* for the purpose of permitting the appliance to reconfigure itself at a certain time after the smart card is removed, in order for the appliance to return to its original dormant state, ready for input; because this safeguards the integrity of the appliance's original configuration state from being compromised

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or over-written with preferential data from user's smart cards and permits other smart cards to effectively use the appliance without one smart-card tying-up the system's resources.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Nobakht et al (2001/0039583), Aziz et al (6,643,701), LeMole et al (6,009,410), Coutts et al (2002/0099634), Holtzman et al (6,400,272), Boyles et al (6,934,841) and (6,738,901), Ng (6,957,776).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristie Shingles*  
*Examiner*  
*Art Unit 2141*

*kds*

  
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SUPERVISORY PATENT EXAMINER